



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/302,431	04/30/1999	CHANG-HYI LEE	P55690	6892

7590 05/11/2004

ROBERT E BUSHNELL
1522 K STREET NW
SUITE 300
WASHINGTON, DC 20005

EXAMINER

LANIER, BENJAMIN E

ART UNIT	PAPER NUMBER
2132	

DATE MAILED: 05/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/302,431

Applicant(s)

LEE ET AL.

Examiner

Benjamin E Lanier

Art Unit

2132

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 April 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: _____

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____

Gilberto Barron
GILBERTO BARRON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Continuation of 5. does NOT place the application in condition for allowance because: In response to applicant's argument with regards to the new matter rejection of the amended material introduced in the amendment filed 24 July 2003, if the amended material that made up claims 18-40 was added to original claims 1-17 then they would be incorporated in the new matter rejections and in response to applicant's request for a showing of specific new matter that was introduced by the amendment filed 24 July 2003, the new matter is as follows: terminal receiving and function-processing a physical address of a bad sector of the storage medium, a random number generated and stored in a spare area of said terminal and a secret channel key generated in said terminal to obtain a processed value and said terminal encrypting a header of the digital content with the processed value, portable terminal supplier embedding the manufacturer key information in said portable terminal, certificate authority and content supplier sharing a first secret channel, said content supplier receiving and storing said first key information from the certificate authority through said first secret channel for supplying said encrypted digital content, said content supplier generating and outputting second key information for giving an authorization to receive and reproduce said encrypted digital content, personal computer having public key information of said certificate authority, said personal computer and said content supplier sharing a second secret channel, said personal computer verifying said first key information, supplier by using said public key information of said certificate authority and receiving the second key information through said second secret channel, said personal computer receiving said encrypted digital content through said second secret channel, portable terminal transferring the embedded manufacturer key information to said content supplier through said personal computer to be verified by said content supplier, said portable terminal and said personal computer sharing a third secret channel for transferring said encrypted digital content between said portable terminal and said personal computer, supplier to form said first secret channel, the first key information is encoded by said first channel key and then transferred to said content supplier, and said content supplier decodes the encoded first key information by said first channel key, personal computer to form said second secret channel and the second key information is encoded by said second channel key and then transferred to said personal computer, certificate authority generating first key information for giving authorization to supply said digital content, said certificate authority generating a token to make an information table, token information encrypted by said manufacturer key, updating reproduction data whenever any content downloading or uploading session between said first content output means and said second content output means occurs.

Applicant's argument that Fig. 1 adequately describes the amended material is not persuasive because Fig. 1 merely discloses the existence of the physical entities. In no way does Fig. 1 adequately describe the relationships between all the main physical entities as described in the amended material.

Applicant's argument with regards to Down's Clearinghouse being differentiated from a traditional certificate authority is not persuasive because Down's discloses that the end user does not need to acquire certificates from a non bona-fide certification authority because they can receive certificates from the Clearinghouse (Col. 14, lines 54-67), which not only does it show that the certificate authority and the Clearinghouse are not differentiated but it shows that the Clearinghouse is able to provide the same certification capabilities as the certification authority. Therefore one of ordinary skill in the art would recognize the Clearinghouse of Down's as a certificate authority.

Applicant's argument with regards to the manufacturer key information is not persuasive because Down's discloses the end user can be a pc, while the end user application player can be a properly licensed portable consumer device (second content output means) and can be used to access the content once authorized, and can request and manage content keys from the clearinghouse (Col. 11, line 54 - Col. 12, line 10), which meets the limitation of a portable terminal manufactured by said portable terminal supplier for reproducing said digital content, said portable terminal transferring the imbedded manufacturer key information to said content supplier through said personal computer to be verified by said content supplier, said portable terminal and said personal computer sharing a third secret channel for transferring said encrypted content between said portable terminal and said personal computer.

Applicant's argument that Down's does not disclose a portable terminal supplier providing a portable terminal is not persuasive because Down's discloses the use of a portable terminal, and one of ordinary skill in the art would understand that these portable terminals are manufactured and sold by a company (terminal supplier).